



**CITY OF SUNNYVALE
REPORT
ADMINISTRATIVE HEARING**

May 26, 2005

SUBJECT: **2005-0342:** Application on a 7,228 square foot site located at **379 North Sunnyvale Avenue** in an R-0 (Low-Density Residential) Zoning District.

Motion Application for a Variance from SMC (Sunnyvale Municipal Code) section 19.46.060(4) to allow a home to exceed 1,800 sq. sf. with one covered parking space where two are required.

REPORT IN BRIEF

Existing Site Conditions Existing one-story home

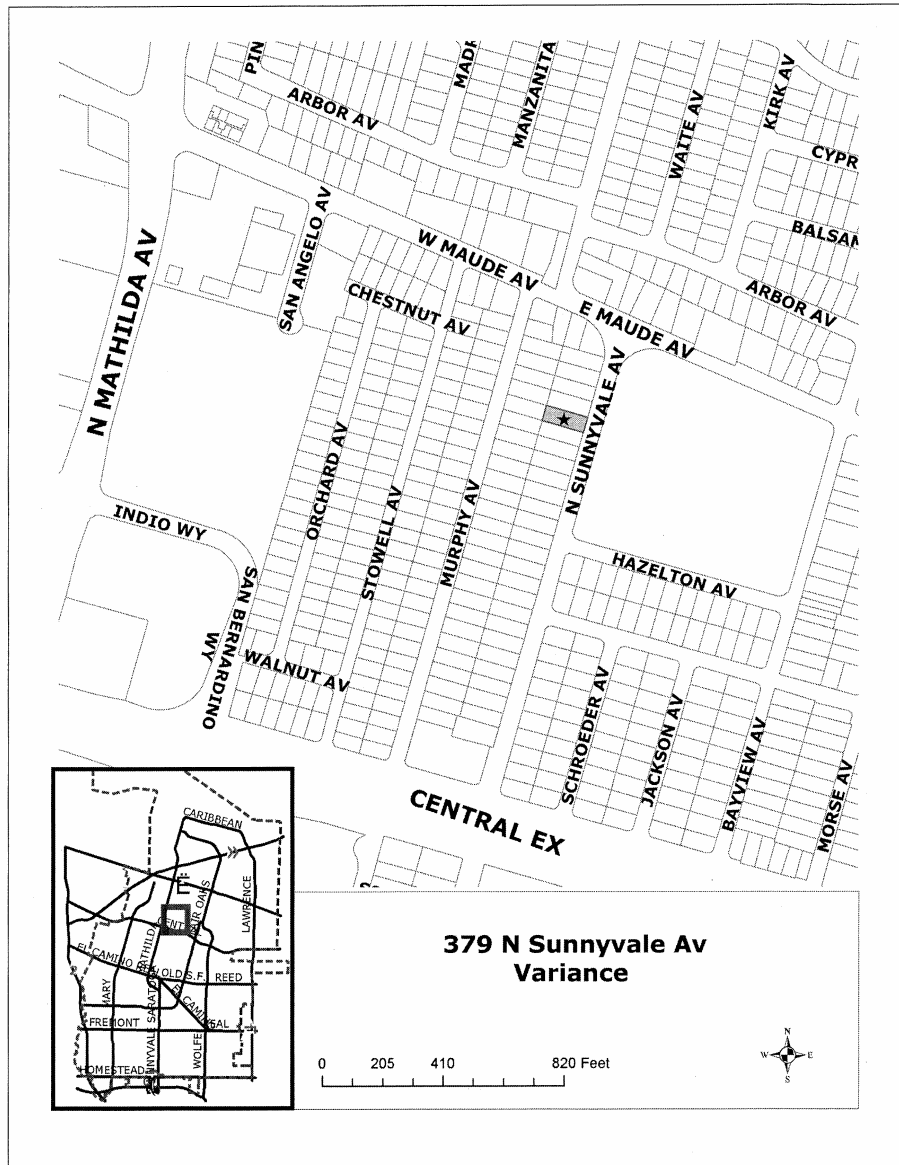
Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Bishop Elementary School
West	Single Family Residential

Issues Justifications for a variance

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	R-0	R-0
Lot Size (s.f.)	7,228	Same	6,000 min.
Lot Width (ft.)	52	Same	57 min.
Gross Floor Area (s.f.)	1,580	2,225	None >1,800 requires 2 covered parking spaces
Lot Coverage (%)	22	31	45 max.
No. of Buildings On-Site	1	Same	1
Building Height (ft.)	18'	Same	30 feet max.
No. of Stories	1	Same	2 max.
Setbacks (facing prop.)			
• Front (ft.)	20'	Same	20' min.
• Right Side (ft.)	4.5'	4.5'	4' min.
• Left Side (ft.)	5'	8' (Total 12.5')	8' min. (Total 12')
• Rear	82'	58'	10' min.
• Rear Encroachment (%)	0	0	25% max.
Parking			
• Total Covered Parking	1	Same	2 min.
• Total Uncovered Parking	2	Same	2 min.



Starred items indicate variance from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant is proposing an addition of 644 square feet to an existing 1,580 square foot single story residence. The addition is proposed in the rear and side yard areas and will total 2,225 square feet. The scope to the project is to add a new master bedroom, bathroom, and family room. The proposed home will have three bedrooms, family room, living room, kitchen, and a one-car garage.

Background

Previous Actions on the Site: No other planning permits have been reviewed for the site. The home was originally built in 1942 with only a one-car garage.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 1 Categorical Exemptions include modifications to existing structures.

Variance

Sunnyvale Municipal Code (SMC) §19.46.060(4) requires that additions to homes that exceed 1,800 square feet of gross floor area or have four or more bedrooms require two covered parking spaces. The proposed project exceeds 1,800 square feet, while only having one covered parking space. The applicant is requesting a variance from this requirement for two covered parking spaces.

Site Layout: The home is located on the front third of the parcel and has five-foot setbacks from the side yards. The existing home is legal non-conforming with the 12 foot combined side yard setback. The proposed addition will conform to current setbacks with 4.5 feet on one side and eight on the other; for a total of 12.5 feet (Attachment E).

The subject parcel is a rectangular lot 52 feet in width and 140 feet in depth. Although the lot width is substandard for R-0 Zoning district (57 feet min.), all of the lots on this side of North Sunnyvale Avenue are 52 feet in width; meaning the subject site is not an irregular configuration relative to the immediately surrounding parcels. All of the parcels on North Murphy Avenue are also 52 feet in width. The parcels south of this site and across North Sunnyvale Avenue are all 59 feet in width. See the Assessor Parcel Map of the neighborhood in Attachment D.

Similar L-shaped floor plans are repeated on this block of North Sunnyvale Avenue and in the surrounding neighborhood. The homes on this block appear to have originally been constructed with single car garages of either 220-250 square feet or 310 square feet. Similar style homes to the rear of this neighborhood on North Murphy Avenue were also constructed typically with 220-250 square foot garages.

Architecture: The proposed modifications are incorporated into the existing home's design. The addition in the rear is proposed to follow the current building lines of the side and rear of the home. The pitch of the roof for the additions are consistent with the existing home and exterior finishes and roof materials will also match existing.

The following Guidelines from the Single Family Design Techniques were considered in the analysis of the project architecture:

Design Policy or Guideline (Architecture)	Comments
<p><i>2.2 Basic Design Principles Respect the scale, bulk, and character of homes in the adjacent neighborhood.</i></p> <p><i>3.1 Design Techniques Design homes to respect their immediate neighbors.</i></p>	<p>The addition would occur in the rear and side yards of the existing single story house. The addition generally respects the existing scale, bulk, and character of the house as seen from the surrounding neighborhood.</p>
<p><i>3.1(D) Design Techniques Where significant additions to existing homes are planned, it is generally better to place those additions at the rear of the house or at the side.</i></p>	<p>The proposed addition is significant in terms of new square footage versus existing square footage. The addition is set to the side and rear of the existing home and generally not visible from the street.</p>
<p><i>3.5(J) Roofs Use roof forms for additions that blend comfortably with the roofs of the existing homes.</i></p> <p><i>3.5(G) Design Techniques Wall materials for additions should generally match those of the existing building.</i></p>	<p>The new rooflines and proposed exterior materials will match the existing structure.</p>

Parking/Circulation: The home currently has a single car garage providing the one covered parking space and two uncovered spaces in the driveway. The home was originally constructed with a one-car garage, which appears to be the standard layout for homes in this neighborhood.

The proposed modifications require that two covered parking spaces be provided. Due to the width of the lot and the configuration of the home there is not space available to simply add a two-car garage or carport without encroaching into the living area of the existing home, requiring significant reconfiguration of the floor plan.

Compliance with Development Standards/Guidelines: The existing home is non-conforming due to lack of a 12-foot total side yard setback and two covered parking spaces. This non-conformity is not continued in the setbacks of the new addition. The proposal meets all other development standards for homes in the R-0 Zoning District, except the two-car covered parking requirement.

Expected Impact on the Surroundings: The impact to the neighborhood, if the variance were granted, could be a higher demand for on-street parking. The intent of the ordinance is to limit disproportionate use of public parking by individual residents in a neighborhood without a sufficient supply of public parking. The additional square footage could lead to a greater parking demand.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 7 notices mailed to adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Applicant's Justification: The applicant has addressed the three required findings for a variance in Attachment C – Applicant's Letter of Justification. The applicant contends the following:

- The existing configuration and siting of the home would make adding a second covered parking space economically unfeasible.
- Adding a second covered garage could also remove a significant portion of the living area, therefore, making the proposed project economically unfeasible.
- The proposed addition will not negatively affect the surrounding neighbors since the home currently has one parking space.
- Granting the Variance would not grant a special privilege to the applicant, which would not also be enjoyed by the neighbors, since the neighbors have wider lots than the subject parcel.

Discussion: Staff cannot make the first finding that exceptional or extraordinary circumstances or conditions apply to this property due to the parcel's size, shape, topography, location, or surroundings. All parcels on the north side of North Sunnyvale Avenue are 52 feet wide and the parcels on the south side of the street are 59 feet wide. In addition, the majority of homes in the surrounding area have one-car garages of between 220 and 310 square feet. Therefore, Staff does not find that the strict application of the ordinance will deprive the property owner or privileges enjoyed by other properties in the vicinity.

Staff cannot make the second finding that granting the Variance will not be materially detrimental to the public welfare. Staff believes that the impact on

the public parking supply of permitting this Variance could result in a detrimental impact to the public welfare and character of the neighborhood due to the increase in on-street parking in a neighborhood where there is currently a high degree of on-street parking. Approving this request may also allow a significant majority of the homes in the neighborhood to make the same findings for expansion of the home, resulting in a significant cumulative impact to the availability of the on-street parking supply over time.

Staff cannot make the third finding that granting the Variance will not grant a special privilege not enjoyed by other surrounding property owners. Approving this request may also allow a significant majority of the homes in the neighborhood to make the same findings for expansion of the home, due to similar parcel sizes, garage sizes, home sizes, and siting of homes.

Findings: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the approving authority is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B) for the project be attached to the approval.

Alternatives

1. Deny requested variance
2. Approve the application with attached conditions.
3. Approve the application with modified conditions.

Recommendation

Recommend Alternative 1

Prepared by:


Steve Lynch
Project Planner

Reviewed by:


Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Applicant Letter of Justification
- D. Assessor Parcel Map
- E. Site and Architectural Plans

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.

This Finding cannot be made.

The applicant has not demonstrated that extraordinary circumstances apply to this site or that the use would deprive him of a privilege enjoyed by others. Staff was not able to make this finding based upon the fact that all parcels on the north side of North Sunnyvale Avenue are 52 feet wide and the parcels on the south side of the street are 59 feet wide. In addition, the majority of homes in the surrounding area have single car garages of between 220 and 310 square feet. Therefore, Staff does not find that the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements, or uses within the immediate vicinity and within the same zoning district.

This Finding cannot be made.

The lack of on site parking to serve the resident's need would increase the demand of public on-street parking, potentially exacerbating crowded parking conditions on the street. Crowded parking conditions are detrimental to single-family neighborhood character and may create access nuisances or hassles for neighboring residents. Approving this request may also allow a significant majority of the homes in the neighborhood to make the same findings for expansion of the home, resulting in a significant cumulative impact to the availability of the on-street parking supply over time.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

This Finding cannot be made.

Approving this request may also allow a significant majority of the homes in the neighborhood to make the same findings for expansion of the home, due to similar parcel sizes, garage sizes, home sizes, and siting of homes.

Recommended Conditions of Approval if the Variance is Granted.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the proposed plan.

2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval Director of Community Development prior to issuance of a building permit.

Variance Justifications

1. The lots in our area were originally zoned in the mid 1940s, when families had – at most – one car. As a result, all the houses (especially on our side of the street) were designed with one-car garages. Although our lot is very deep, it's not very wide. To address the garage issue, we would either have to lose the current living room and most of the kitchen inside the house, or, we would have to remove a third of the house to extend the driveway into the back yard, where a detached 2 car garage could be constructed. Unfortunately, both of these plans would result in significant loss of living space in the house, and would add considerably to the cost of the project. Either way, it would only make sense to demolish the entire existing structure and construct a whole new house – a two story house, because a significant amount of space on the ground floor would be lost due to the garage. Not only is this outside of our economic means, but it would make ours one of the more expensive properties on the street, making it an unwise financial investment, and adversely affect the neighbors who will also not be able to add on living space without rebuilding the whole house. The regulations basically prevent us from expanding the house any further, without sinking significant amounts of money to build a new 2-story structure. It also deprives us from the "addition" privileges enjoyed by other properties that have wider lots in the vicinity and within the same zoning district.
2. Our proposed addition will not have a negative impact on the surrounding properties, nor be detrimental to the public or properties. The addition merely relocates one of the bedroom to make it into a master's bedroom, and creates an open office/family room. The existing house currently has 3 bedrooms, two baths, and will be 3 bedrooms and 2.5 baths after the remodel.
3. Granting us the variance does not grant us any special privileges not enjoyed by our neighbors, in fact it will allow us to enjoy the same privileges enjoyed by our neighbors who have wider lots in the same zoning area. We are in compliance with the spirit of the ordinance as we only have two cars, and have ample parking with 1 covered garage and 2 uncovered parking on our driveway.

Thank you.
Doug Jacobs
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1"=100'

